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OCT 22 2007
PATENT

DORSEY & WHITNEY LLP

US BANK CENTRE
1420 5TH AVENUE, SUITE 3400
SEATTLE WA 98101

FACSIMILE COVER SHEET
(206) 903-8820

October 22, 2007

TO: Commissioner for Patents FAX # (571) 273-8300
P.O. Box 1450, Alexandria, VA 22313-1450 TELEPHONE: (571) 272-2682

FROM: Jennifer M. Lane TELEPHONE : (206) 903-8800 Main; (206) 903-8836 Direct

Applicants : Eric B. Cummings et al. Attorney Docket No.: 33532/US

Serial No. : 10/760,139 Group Art Unit : 1753

Filed : January 16, 2004 Examiner : Surekha Vathyam

Title : DIELECTROPHORESIS DEVICE AND METHOD HAVING NON-UNIFORM ARRAYS FOR MANIPULATING PARTICLES

Date Sent : October 22, 2007

Date Due

: November 3, 2007

Documents Attached for Filing:

	<u>No. Pages</u>
Fee Transmittal Sheet (+ copy)	2
Response Under 37 CFR 1.116	13
Annotated Drawing Sheet Showing Changes (Fig 3)	1
Replacement Drawing Sheets (Figs 1-4d)	4
Exhibits 1-6	35

Total Number of Pages (including cover sheet): 56

Original will not be sent

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OCT 22 2007

Effective on 9/30/07

FEE TRANSMITTAL SHEET
(FY 2008) Applicant claims small entity status (see 37 C.F.R. 1.27)

METHOD OF PAYMENT (Check One)

The Director is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No. 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP.

Check Enclosed.

Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total 11	21	= 0	x \$ 50	= \$ 0
Ind. 3	3	= 0	x \$ 200	= \$ 0
Multiple Dependent Claims				x \$ = \$
				Subtotal (Extra Claims) \$ 0

Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

<input type="checkbox"/> Petition Fee under 37 CFR 1.17(f)	Fee \$400
§ 1.53(e) to accord a filing date.	
§ 1.57(b) to accord a filing date.	
§ 1.182 for decision on a question not provided for.	
§ 1.183 to suspend the rules.	
§ 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.	
§ 1.174(b) to accord a filing date to an application under §1.740 for extension of patent term.	
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(g)	Fee \$200
§ 1.12 for access to an assignment record.	
§ 1.14 for access to an application.	
§ 1.47 for filing by other than all inventors or person not the Inventor.	
§ 1.59 for expungement of information.	
§ 1.103(a) to suspend action in an application.	
§ 1.136(b) for review of a request for ext. of time when §1.136(a) not avail.	
§ 1.295 for review of refusal to publish a statutory invention registration.	
§ 1.296 to withdraw a req. for pub. after notice of intent to publish issued.	
§ 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.	
§ 1.550(c) for request for ext. of time in <i>ex parte</i> reexam. proceedings.	
§ 1.956 for request for ext. of time in <i>ex parte</i> reexam. proceedings.	
§ 5.12 for expedited handling of foreign filing license.	
§ 5.15 for changing the scope of a license.	
§ 5.25 for retroactive license.	
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(h)	Fee \$130
§ 1.19(g) to request documents in a form other than provided in this part.	
§ 1.84 for accepting color drawings or photographs.	
§ 1.91 for entry of a model or exhibit.	
§ 1.102(d) to make an application special.	
§ 1.136(c) to expressly abandon an application to avoid publication.	
§ 1.313 to withdraw an application from issue.	
§ 1.314 to defer issuance of a patent.	

Submitted by:

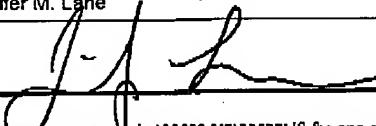
CUSTOMER NUMBER
27,076

DORSEY & WHITNEY LLP

1420 Fifth Avenue, Suite 3400
Seattle, WA 98101-4010
(206) 903-8800 phone / (206) 903-8820 fax

Name: Jennifer M. Lane

Reg. No.: 51,916

Signature: Date: **10/22/07**

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Effective on 9/30/07

FEE TRANSMITTAL SHEET
(FY 2008) Applicant claims small entity status (see 37 C.F.R. 1.27)

METHOD OF PAYMENT (Check One)

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Ind. 3	- 3	= 0	x \$ 200	= \$ 0
Multiple Dependent Claims			x \$	= \$

Subtotal (Extra Claims) \$ 0

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§ 1.138(c) to expressly abandon an application to avoid publication.	
§ 1.313 to withdraw an application from issue.	
§ 1.314 to defer issuance of a patent.	

Complete if Known				
Application No.		10/780,139		
Filing Date		January 16, 2004		
First Inventor		Eric B. Cummings		
Group Art Unit		1753		
Examiner Name		Surekha Vathyam		
Atty. Docket Number		33532/US		
METHOD OF PAYMENT (Check One)				
FEE CALCULATION (Continued)				
3. ADDITIONAL FEES				
Large Entity Fee	Small Entity Fee	Fee Description		Fee paid
60	25	Surcharge - late provisional filing fee or cover sheet		\$
130	65	Surcharge - Late nonprovisional filing fee or oath		\$
180	180	Submission of IDS		\$
40	40	Recording each patent assignment per property (Times number of properties)		\$
120	60	Extension for reply within first month		\$
460	230	Extension for reply within second month		\$
1,050	525	Extension for reply within third month		\$
1,640	820	Extension for reply within fourth month		\$
2,230	1,115	Extension for reply within fifth month		\$
810	405	Submission After Final 1.129		\$
510	255	Notice of Appeal		\$
510	255	Filing a brief in support of an appeal		\$
1,030	515	Request for oral hearing		\$
130	65	Terminal Disclaimer Fee		\$
820	410	Design Issue Fee		\$
810	405	Request for Continued Examination (RCE)		\$
130		Request for voluntary publication or republication		\$
510	255	Petition to Revive – unavoidable		\$
1,540	770	Petition to Revive – unintentional		\$
200		Filing for patent term adjustment		\$
400		Request for reinstatement of term reduced		\$
1,120		Extension of term of patent		\$
OTHER FEE (specify)				\$
Subtotal (Additional Fees)				\$0
Total Amount of Payment:				\$0

Submitted by:

CUSTOMER NUMBER
27,076

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Signature: 

Date:

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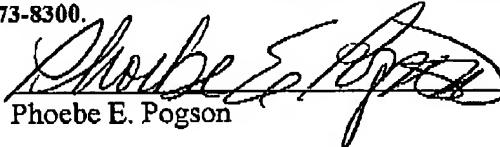
**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE - EXAMINING GROUP 1700**

PATENT

I hereby certify that on the date specified below, this correspondence is being transmitted via facsimile to the Commissioner for Patents, facsimile number (571) 273-8300.

October 22, 2003

Phoebe E. Pogson


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/760,139

Confirmation No. : 7218

Applicants : Eric B. Cummings, Yolanda Fintschenko, Blake Simmons

Filed : January 16, 2004

Attorney Docket No.: 33532/US

Art Unit : 1753

Customer No. : 27,076

Examiner : Surekha Vathyam

Title : DIELECTROPHORESIS DEVICE AND METHOD HAVING NON-UNIFORM ARRAYS FOR MANIPULATING PARTICLES

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 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. § 1.116

Sir:

Applicants acknowledge receipt of the Office Action dated July 3, 2007. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Drawings begin on page 5 of this paper and include both attached replacement sheets and an annotated sheet showing changes.

Remarks begin on page 6 of this paper.